

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BEVERLEY JAMES LOWE,

No. C 12-05227 CRB

Plaintiff,

**ORDER DENYING MOTION FOR
RECONSIDERATION**

v.

GENERAL ELECTRIC CO., ET AL.,

Defendants.

Defendant General Dynamics moves the Court to reconsider Judge Eduardo Robreno's June 25, 2012 order denying its Motion for Summary Judgment. See Case No. 2:09-cv-64063-ER dkt. 60. Defendant argues, among other things, that Judge Robreno erred in applying maritime law to this dispute, and that, even if the Court applies maritime law, it should also apply a sophisticated user defense. Id. Defendant urges that reconsideration is appropriate because the parties did not brief the issue of whether maritime law applies in advance of the summary judgment hearing. Id.

The Court has reviewed the parties' briefs on this Motion as well as all of the underlying papers. Having the full benefit of these materials, the Court concludes that Judge Robreno properly applied maritime law, as the locality and connection tests have both been met.¹ See Sisson v. Ruby, 497 U.S. 358, 367 (1990) ("[t]he need for uniform rules of maritime conduct and liability is not limited to navigation, but extends at least to any other


¹ There does not appear to be any dispute as to the locality test.

1 activities traditionally undertaken by vessels, commercial or noncommercial”). The Court
2 also rejects Defendant’s argument that the allegations are not subject to maritime law, finding
3 that Defendant reads the allegations too narrowly. Finally, the Court declines Defendant’s
4 invitation to import the sophisticated user defense into maritime law, as Defendant offers no
5 citation to any other court having done so, and has not convinced the Court that failure to do
6 so constitutes error.

7 Accordingly, the Motion for Reconsideration is DENIED.

8 **IT IS SO ORDERED.**

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10 Dated: January 2, 2013


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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE